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Respond to Dayton Office

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August 20, 2015

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VIA FEDERAL EXPRESS

Margaret Herring, Civil Investigator
U.S. Environmental Protection Agency, Region 5
Superfund Division
Enforcement and Compliance Assurance Branch (SE-5J)
77 West Jackson Boulevard
Chicago, IL 60604-3590



Re: South Dayton Dump & Landfill Site in Moraine, Ohio

Dear Ms. Herring:

This letter supplements the objections and responses of Cox Media Group Ohio, Inc. ("CMGO")¹ to the Information Requests included in the January 16, 2015 Special Notice Letter from the U.S. Environmental Protection Agency ("Agency") regarding the South Dayton Dump and Landfill in Moraine, Ohio ("Site"). CMGO served its initial objections and responses to those Information Requests in a March 20, 2015 letter to you ("March 20, 2015 Objections and Responses by CMGO").

In providing these supplemental objections and responses, CMGO does not concede that it is a potentially responsible party or any liability under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9601, *et seq.* As previously explained, CMGO has investigated the Agency's allegations relating to the Site, and CMGO has participated in discovery in CERCLA litigation relating to those allegations that is now pending before the U.S. District Court in Dayton, Ohio. Hobart, et al. v. The Dayton

¹ CMGO is the successor-in-interest to two daily newspapers: the Dayton Daily News and the Dayton Journal Herald.



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Power & Light Co., et al., Case No. 3:13-cv-115-WHR. Based on CMGO's investigation and discovery conducted in the Hobart case to date, there is no credible evidence establishing that CMGO, directly or indirectly, contributed waste to the Site. Thus, there is no support for finding that CMGO is responsible for any clean-up costs relating to the Site.

The lack of any credible evidence linking CMGO to the Site renders the Information Requests, in their entirety, unreasonable, arbitrary and capricious, and abuse of discretion. Nevertheless, CMGO has conducted a reasonable and diligent investigation for the information requested by the Agency. Based on that investigation, CMGO supplements the March 20, 2015 Objections and Responses by CMGO, subject to (a) the Agency's limitations as to scope, which were expressed by Associate Regional Counsel for the Agency Thomas Nash, and (b) the General Objections contained in the March 20, 2015 Objections and Responses by CMGO, which are expressly incorporated by reference here.

CMGO further supplements General Objection No. 18. CMGO continues to object to each and every Information Request to the extent it is unlimited in geographic scope. Such requests without geographic limitation are overly broad, unduly burdensome, oppressive, irrelevant to the subject matter of this administrative matter, harassing, and beyond the scope of the Agency's statutory authority. Pursuant to the limitation as to the geographic scope of the Information Requests to facilities located within 50 miles of the Site, which was communicated by Mr. Nash on February 11, 2015, CMGO limits its responses to (a) the facility that housed the editorial offices and printing presses owned and/or operated by or on behalf of the Dayton Daily News and/or the Dayton Journal Herald during the relevant time period, which was located at 45 S. Ludlow Street, Dayton, Ohio 45402 (the "Ludlow Street Facility"); (b) the facility that housed a warehouse and garage owned and/or operated by or on behalf of the Dayton Daily News and/or the Dayton Journal Herald during the relevant time period, which was located at the corner of Eaker Street and Ludlow Street, Dayton, Ohio 45402 ("Eaker Street Facility"); and (c) distribution facilities ("Branches") used by or on behalf of the Dayton Daily News and/or the Dayton Journal Herald at which newspaper carriers picked up newspapers for delivery, including but not limited to facilities located in the vicinity of Hills & Dales MetroPark, Westown Shopping Center, and Miracle Land Shopping Center in or near Dayton, Ohio.

Finally, insofar as any objections and responses in the March 20, 2015 Objections and Responses by CMGO incorporate by reference objections and responses to another Information Request, they shall be deemed to incorporate both (a) the referenced objections and responses in the March 20, 2015 Objections and Responses by CMGO, and (b) the supplemental objections and responses to the same Information Request in this letter, unless otherwise provided.

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RESPONSES TO AGENCY'S REQUESTS FOR INFORMATION

QUESTIONS

1. Identify all persons consulted in the preparation of the answers to these questions.

ORIGINAL RESPONSE: See General Objections No. 8 (overly broad and vague); 9 (privileged). Subject to and without waiving these or any other objections, CMGO states that the following individuals provided information for use in responding to the Information Requests:

Mr. Jerry Baker Former General Foreman
Mr. George Morris, Jr. Former Director of Operations
Ms. Carol Self Former Purchasing Director
Mr. Robert Zikias Vice President & Chief Financial Officer

All current and former CMGO employees, including employees of the Dayton Daily News and Dayton Journal Herald, shall be contacted through counsel for CMGO:

Ms. Erin E. Rhinehart, Esq.
Faruki Ireland & Cox P.L.L.
500 Courthouse Plaza, S.W.
10 N. Ludlow St.
Dayton, Ohio 45402
937-227-3714

SUPPLEMENTAL RESPONSE: CMGO incorporates by reference the objections and response to this Information Request in the March 20, 2015 Objections and Responses by CMGO. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states that the following individuals provided information for use in responding to the Information Requests:

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Mr. Brian Acton Former truck driver
Mr. Xonerale Freeman Former mechanic at Eaker Street Facility; current employee
Ms. Phonda Gamble Senior Director of Product Delivery
Mr. Michael Manzo Former truck dispatcher
Mr. Robert Michigan Former truck driver

2. Identify all documents consulted, examined or referred to in the preparation of the answers to these questions, and provide copies of all such documents.

ORIGINAL RESPONSE: See General Objections No. 8 (overly broad and vague); 9 (privileged); 10 (proprietary and/or confidential); 12 (already in possession of Agency). Subject to and without waiving these or any other objections, CMGO states that the following documents provided information for use in responding to the Information Requests:

April 24, 2012 Deposition of Edward Grillot (relevant excerpts enclosed)
December 16-17, 2013 Deposition of Edward Grillot (relevant excerpts enclosed)
May 28, 2014 Deposition of David Grillot (relevant excerpts enclosed)
February 6, 2015 Affidavit of Jerry Baker (enclosed)
March 10, 2015 Affidavit of Carol Self (enclosed)
All documents produced by CMGO in the <u>Hobart</u> case (Bates Labeled CMGO 000001-000023 and enclosed)

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SUPPLEMENTAL RESPONSE: CMGO incorporates by reference the objections and response to this Information Request in the March 20, 2015 Objections and Responses by CMGO. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states that the following documents provided information for use in responding to the Information Requests:

July 22, 2015 Affidavit of Robert Michigan (enclosed)
July 28, 2015 Affidavit of Xonerale Freeman (enclosed)
July 29, 2015 Affidavit of Michael Manzo (enclosed)
August 5, 2015 Affidavit of Phonda Gamble (enclosed)

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons. Provide their current, or last known, address, telephone numbers, and e-mail address.

ORIGINAL RESPONSE: See General Objections No. 1 (beyond statutory authority); 2 (unreasonable, arbitrary and capricious, and abuse of discretion); 8 (overly broad and vague); 9 (privileged). Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states that it has no reason to believe that there are any persons not identified in these responses who would be able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents.

4. Provide names, addresses, telephone numbers, and e-mail addresses of any individuals, including former and current employees, who may be knowledgeable about Respondent's operations and hazardous substances handling, storage and disposal practices.

ORIGINAL RESPONSE: See General Objections No. 1 (beyond statutory authority); 2 (unreasonable, arbitrary and capricious, and abuse of discretion); 8 (unduly burdensome, overly broad and vague); 9 (privileged); 13 (cumulative and/or duplicative); 15 (argumentative). CMGO further objects because this Request is duplicative of Request No. 3. CMGO further objects to the use of the term "operations" insofar as it does not relate to CMGO's waste disposal practices. CMGO further objects because this Request assumes, without any evidence, that CMGO handled, stored, or disposed of hazardous substances at the Site during the relevant time period. CMGO further objects because this Request seeks information relating to persons who are no longer living and

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events that transpired more than seventy years ago. Such information is no longer in the possession, custody or control of CMGO. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states that the following individuals may have knowledge about CMGO's operations and waste disposal practices at the Ludlow Street Facility during the relevant time period:

Mr. Jerry Baker Former General Foreman
Mr. George Morris, Jr. Former Director of Operations
Ms. Carol Self Former Purchasing Director
Mr. Robert Zikias Vice President & Chief Financial Officer

SUPPLEMENTAL RESPONSE: CMGO incorporates by reference the objections and response to this Information Request in the March 20, 2015 Objections and Responses by CMGO. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states that the following individuals may have knowledge about CMGO's operations and waste disposal practices at the Ludlow Street Facility, the Eaker Street Facility and/or the Branches during the relevant time period:

Mr. Brian Acton Former truck driver
Mr. Xonerale Freeman Former mechanic at Eaker Street Facility; current employee
Ms. Phonda Gamble Senior Director of Product Delivery
Mr. Michael Manzo Former truck dispatcher
Mr. Robert Michigan Former truck driver

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5. State the date(s) on which the Respondent sent, brought or moved drums and/or hazardous substances to the South Dayton Dump and Landfill (SDDL) Site and the names, addresses, telephone numbers, and e-mail addresses of the person(s) making arrangements for the drums and/or hazardous substances to be sent, brought or moved to the SDDL Site.

ORIGINAL RESPONSE: See General Objections No. 8 (overly broad and vague); 15 (argumentative). CMGO further objects because this Request assumes, without any evidence, that CMGO sent, brought, or moved hazardous substances from the Ludlow Street Facility to the Site. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states that it did not transport materials, including hazardous substances, to the Site, and that CMGO has no knowledge of any materials, including hazardous substances, that were transported from the Ludlow Street Facility to the Site.

SUPPLEMENTAL RESPONSE: CMGO incorporates by reference the objections and response to this Information Request in the March 20, 2015 Objections and Responses by CMGO. CMGO further objects because this Request assumes, without any evidence, that CMGO sent, brought, or moved hazardous substances from the Eaker Street Facility and/or the Branches to the Site. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states that it has no knowledge of any materials, including hazardous substances, that were transported from the Eaker Street Facility and/or the Branches to the Site.

6. Did Respondent haul or send materials to SDDL in vehicles it owned, leased or operated? If yes, during what time periods did this occur? If no, how did Respondent transport materials to SDDL? Identify the hauler(s) and provide the addresses, telephone numbers, and e-mail addresses of these entities.

RESPONSE: See objections and response to Request No. 5, which are incorporated by reference here. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states that it did not arrange for the transportation of any materials, including hazardous substances, to the Site or arrange for the transportation by any third party.

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PERMITS/REGISTRATIONS

7. List all federal, state and local permits and/or registrations and their respective permit numbers issued to Respondent for the transport and/or disposal of materials.

RESPONSE: See General Objections No. 1 (beyond statutory authority); 2 (unreasonable, arbitrary and capricious, and an abuse of discretion); 8 (unduly burdensome, overly broad and vague); 12 (already in possession of Agency). CMGO further objects because this Request seeks information that is not relevant to (A) the identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at the Site or transported to the Site, (B) the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site, or (C) information relating to the ability of CMGO to pay for or to perform a cleanup at the Site. 42 U.S.C. § 9604(e)(2). Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states that it has not identified any permits issued to CMGO for the transport or disposal of materials during the relevant time period.

8. Which shipments or arrangements were sent under each permit? If what happened to the hazardous substances differed from what was specified in the permit, please state, to the best of your knowledge, the basis or reasons for such difference.

RESPONSE: See objections and response to Request No. 7, which are incorporated by reference here.

9. Were all hazardous substances transported by licensed carriers to hazardous waste Treatment Storage and Disposal Facilities permitted by the U.S. EPA?

RESPONSE: See General Objections No. 1 (beyond statutory authority); 2 (unreasonable, arbitrary and capricious, and an abuse of discretion); 7 (not relevant); 8 (unduly burdensome, overly broad and vague). CMGO further objects because the term "licensed carrier" is not defined and is subject to varying interpretations. CMGO further objects because this Request assumes, without any evidence, that CMGO transported or caused to be transported hazardous substances to the Site. CMGO further objects because this Request seeks information that is not relevant to (A) the identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at the Site or transported to the Site, (B) the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site, or (C) information relating to the ability of CMGO to pay for or to perform a cleanup at the Site. 42 U.S.C. § 9604(e)(2). Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO incorporates by reference here the objections and response to Request No. 5.

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10. List all federal, state and local permits and/or registrations and their respective permit numbers issued for the transport and/or disposal of wastes.

RESPONSE: See objections and response to Request No. 7, which are incorporated by reference here.

11. Does your company or business have a permit or permits issued under Resource Conservation and Recovery Act? Does it have or has it ever had, a permit or permits under the hazardous substance laws of the State of Ohio? Does your company or business have an EPA Identification Number, or an identification number supplied by the State Environmental Protection Agency? Supply any such identification number(s) your company or business has.

RESPONSE: See objections and response to Request No. 7, which are incorporated by reference here.

12. Identify whether Respondent ever filed a Notification of Hazardous Waste Activity with the EPA or the corresponding agency or official of the State of Ohio, the date of such filing, the wastes described in such notice, the quantity thereof described in such notice, and the identification number assigned to such facility by EPA or the state agency or official.

RESPONSE: See General Objections No. 1 (beyond statutory authority); 2 (unreasonable, arbitrary and capricious, and an abuse of discretion); 8 (unduly burdensome, overly broad and vague); 12 (already in possession of Agency). CMGO further objects to this Request because it does not request information relevant to (A) the identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at the Site or transported to the Site, (B) the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site, or (C) information relating to the ability of CMGO to pay for or to perform a cleanup at the Site. 42 U.S.C. § 9604(e)(2). Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO has not identified any Notification of Hazardous Waste Activity that was filed by CMGO with the Agency or a corresponding agency or official of the State of Ohio. CMGO further states that it has produced all documents in its possession, custody, and control that are responsive to these Information Requests.

**RESPONDENT'S DISPOSAL/TREATMENT/STORAGE/
RECYCLING/SALE OF WASTE (INCLUDING BY-PRODUCTS)**

13. Identify all individuals who currently have and those who have had responsibility for Respondent's environmental matters (e.g. responsibility for the disposal, treatment,

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storage, recycling, or sale of Respondent's wastes). Also provide each individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management. For each individual identified in response to this question provide the current or most recent known address, telephone number and e-mail address.

ORIGINAL RESPONSE: See General Objections No. 8 (overly broad and vague); 9 (privileged); 13 (cumulative and/or duplicative). CMGO further objects because this Request is duplicative of Request No. 4. CMGO further objects because the term "environmental matters" is not defined and is subject to varying interpretations. CMGO further objects because this Request seeks information relating to persons who are no longer living and events that transpired more than seventy years ago. Such information is no longer in the possession, custody or control of CMGO. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states that the following people may have had responsibility for some or all of CMGO's environmental matters with respect to the Ludlow Street Facility, including waste disposal practices:

Mr. Jerry Baker Former General Foreman
Mr. Dick Hartle Former Circulation Director and former Safety Director
Mr. George Morris Former Director of Operations
Mr. Bob Zikias Vice President and Chief Financial Officer, CMGO

SUPPLEMENTAL RESPONSE: CMGO incorporates by reference the objections and response to this Information Request in the March 20, 2015 Objections and Responses by CMGO. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states that the following people may have had responsibility for some or all of CMGO's environmental matters with respect to the Eaker Street Facility and/or the Branches, including waste disposal practices:

Mr. Xonerale Freeman Former mechanic at Eaker Street Facility; current employee
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Ms. Phonda Gamble Senior Director of Product Delivery
Mr. Bob Zikias Vice President and Chief Financial Officer, CMGO

14. Describe the containers used to take any type of waste from Respondent's operation, including but not limited to:

- a. the type of container (e.g. 55 gal. drum, dumpster, etc.);

RESPONSE: See General Objection No. 8 (overly broad and vague). Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states that it collected waste ink at the Ludlow Street Facility (i.e., ink rendered unusable because of mixing with paper dust) in 55-gallon steel drums for removal from the Ludlow Street Facility from approximately 1969 to the mid 1970s. The waste ink was not removed, directly or indirectly, to the Site.

SUPPLEMENTAL RESPONSE: CMGO incorporates by reference the objections to this Information Request in the March 20, 2015 Objections and Responses by CMGO, but amends its response. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states that it collected waste ink at the Ludlow Street Facility (i.e., ink rendered unusable because of mixing with paper dust) in 55-gallon steel drums for removal from the Ludlow Street Facility from approximately 1969 to the mid-1980s. The waste ink was not removed, directly or indirectly, to the Site.

- b. the colors of the containers;

RESPONSE: See General Objection No. 8 (overly broad and vague). Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states that the color of the 55-gallon steel drums referenced in Response No. 14(a) in which waste ink was collected for removal from the Ludlow Street Facility were black.

- c. any distinctive stripes or other markings on those containers;

RESPONSE: See General Objection No. 8 (overly broad and vague). Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states that the 55-gallon drums referenced in Response No. 14(a) in which waste ink was collected for removal from the Ludlow Street Facility may

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have been marked with the words "Dayton Newspapers," or something substantially similar, by the third-party company from which CMGO purchased the ink and that delivered ink to CMGO; and, the word "Waste," or something substantially similar, in white, by CMGO after the waste ink was collected in the drum(s).

d. any labels or writing on those containers (including the content of those labels);

RESPONSE: See objections and response to Request No. 14(c), which are incorporated by reference here.

e. whether those containers were new or used; and

RESPONSE: See General Objection No. 8 (overly broad and vague). Subject to and without waiving these or any other objections, CMGO states that the 55-gallon steel drums referenced in Response No. 14(a) in which waste ink was collected for removal from the Ludlow Street Facility were the same drums in which ink was delivered to CMGO from a third-party company.

f. if those containers were used, a description of the prior use of the containers.

RESPONSE: See objections and response to Request Nos. 14(c) and (e), which are incorporated by reference here.

15. For any type of waste describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling. Provide copies of all documents relating to the transportation or disposal of said waste, including correspondence and manifests. Include all correspondence and records of communication between Respondent and Cyril Grillot, Kenneth Grillot, Alcine Grillot, or Horace Boesch, Sr.

ORIGINAL RESPONSE: See General Objections No. 1 (beyond statutory authority); 2 (unreasonable, arbitrary and capricious, and an abuse of discretion); 8 (unduly burdensome, overly broad and vague); 10 (proprietary and/or confidential). CMGO further objects because this Request seeks information relating to persons who are no longer living and events that transpired more than seventy years ago. Such information is no longer in the possession, custody or control of CMGO. CMGO ceased its operations at the Ludlow Street Facility in 1999. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO has not identified any contracts, agreements, or other arrangements for waste disposal from the Ludlow Street Facility during the relevant time period; CMGO has produced all documents in its possession, custody, and control that are responsive to these Information Requests. CMGO has no reason to believe that it had communications with Cyril Grillot, Kenneth Grillot, Alcine Grillot, or Horace Boesch, Sr.

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SUPPLEMENTAL RESPONSE: CMGO incorporates by reference the objections and response to this Information Request in the March 20, 2015 Objections and Responses by CMGO. CMGO ceased its operations at the Eaker Street Facility in 1999. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states it has not identified any contracts, agreements, or other arrangements for waste disposal from the Eaker Street Facility and/or the Branches during the relevant time period; CMGO has produced all documents in its possession, custody, and control that are responsive to these Information Requests.

16. Provide copies of such contracts and other documents reflecting such agreements or arrangements.

g. State where Respondent sent each type of its waste for disposal, treatment, or recycling.

ORIGINAL RESPONSE: See General Objections No. 1 (beyond statutory authority); 2 (unreasonable, arbitrary and capricious, and an abuse of discretion); 8 (unduly burdensome, overly broad and vague); 10 (proprietary and/or confidential). CMGO further objects because this Request seeks information relating to persons who are no longer living and events that transpired more than seventy years ago. Such information is no longer in the possession, custody or control of CMGO. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO is not aware of where waste from the Ludlow Street Facility was transported during the relevant time period.

SUPPLEMENTAL RESPONSE: CMGO incorporates by reference the objections and response to this Information Request in the March 20, 2015 Objections and Responses by CMGO. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states that it is not aware of where waste from the Eaker Street Facility or the Branches was transported during the relevant time period.

h. Identify all entities and individuals who picked up waste from Respondent or who otherwise transported the waste away from Respondent's operations (these companies and individuals shall be called "Waste Carriers" for purposes of this Information Request).

ORIGINAL RESPONSE: See General Objections No. 1 (beyond statutory authority); 2 (unreasonable, arbitrary and capricious, and an abuse of discretion); 8 (unduly burdensome, overly broad and vague); 10 (proprietary and/or confidential). CMGO further objects because this Request seeks information relating to persons who are no longer living and events that transpired more than seventy years ago. Such information is

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no longer in the possession, custody or control of CMGO. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states, upon information and belief, that during the relevant time period, A & B Iron & Metal Co., Izzy's, and/or Capitol Waste Materials Co., may have been hired to transport waste from the Ludlow Street Facility to one or more waste disposal sites, the identity of such waste disposal site(s) is outside the scope of CMGO's possession, custody or control.

SUPPLEMENTAL RESPONSE: CMGO incorporates by reference the objections and response to this Information Request in the March 20, 2015 Objections and Responses by CMGO. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states, upon information and belief, that for an undetermined period of time during the relevant time period, "John" from Capitol Waste Materials Co. may have transported waste from the Ludlow Street Facility to one or more waste disposal site(s), the identity of such waste disposal site(s) is outside the scope of CMGO's possession, custody or control. CMGO further states, upon information and belief, that for an undetermined period of time during the relevant time period, Capitol Waste Materials Co. may have transported waste from the Eaker Street Facility. CMGO further states that the identity of any other third-party waste collection company that may have transported waste from the Eaker Street Facility and any waste disposal site(s) where such waste was transported are also outside the scope of CMGO's possession, custody or control. CMGO further states, upon information and belief, that for an undetermined period of time during the relevant time period, Rumpke and Waste Management may have transported waste from the Branches to one or more waste disposal site(s), the identity of such waste disposal site(s) is outside the scope of CMGO's possession, custody or control.

- i. If Respondent transported any of its wastes away from its operations, please so indicate and answer all questions related to "Waste Carriers" with reference to Respondent's actions.

RESPONSE: See objections and response to Request No. 5, which are incorporated by reference here.

- j. For each type of waste specify which Waste Carrier picked it up.

ORIGINAL RESPONSE: See General Objections No. 1 (beyond statutory authority); 2 (unreasonable, arbitrary and capricious, and an abuse of discretion); 8 (unduly burdensome, overly broad and vague); and 12 (already in possession of Agency). CMGO further objects because this Request seeks information relating to persons who are no longer living and events that transpired more than seventy years ago. Such information is no longer in the possession, custody or control of CMGO. Subject to and without

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waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states, upon information and belief, that A & B Iron & Metal Co., Izzy's and/or Capitol Waste Materials Co. may have transported waste, including excess paper, cardboard and waste ink from the Ludlow Street Facility. CMGO further states that the disposal of waste ink from the Ludlow Street Facility ceased on or about the mid-1970s, following the implementation of a filtration system that was used to filter the paper dust from the ink so that the ink could be re-used. This filtration system is also referred to as a reclaiming system.

SUPPLEMENTAL RESPONSE: CMGO incorporates by reference the objections to this Information Request in the March 20, 2015 Objections and Responses by CMGO, but amends its response. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states, upon information and belief, that A & B Iron & Metal Co., Izzy's and/or Capitol Waste Materials Co. may have transported the following waste from the Ludlow Street Facility: rubbish, waste paper, cardboard, used newspaper plates, waste ink, and filters from a commercial ink filtration system that was used to filter paper dust so that ink could be re-used. This filtration system is also referred to as a reclaiming system. CMGO further states that while disposal of waste ink from the Ludlow Street Facility ceased when that commercial ink filtration system was installed in the mid-1980s, the amount of waste ink disposed from the Ludlow Street Facility significantly declined in the mid-1970s when a non-commercial ink filtration system was installed. CMGO further states that one or more third-party waste collection companies may have transported the following waste from the Eaker Street Facility: rubbish, paper waste, skids, cardboard, metal bands, and waste motor oil. CMGO further states, upon information and belief, that for an undetermined period of time during the relevant time period, waste preprinted materials at the Eaker Street Facility's warehouse were transported by Capitol Waste Materials Co. The identity of any other third-party waste collection company that may have transported waste from the Eaker Street Facility is outside the scope of CMGO's possession, custody, or control. CMGO further states, upon information and belief, that Rumpke and Waste Management may have transported the following waste from the Branches: rubbish, paper waste, brown paper wrap used to protect newspapers, yellow plastic strapping used to bundle newspapers, and mail to newspaper carriers, which was printed on half sheets of paper and delivered in envelopes.

- k. For each type of waste, state how frequently each Waste Carrier picked up such waste.

ORIGINAL RESPONSE: See General Objections No. 1 (beyond statutory authority); 2 (unreasonable, arbitrary and capricious, and an abuse of discretion); and 8 (unduly burdensome, overly broad and vague). CMGO further objects because this Request seeks

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information relating to persons who are no longer living and events that transpired more than seventy years ago. Such information is no longer in the possession, custody or control of CMGO. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO is not aware of how frequently each type of waste was transported from the Ludlow Street Facility by A & B Iron & Metal Co., Izzy's, and/or Capitol Waste Materials Co., if any, during the relevant time period.

SUPPLEMENTAL RESPONSE: CMGO incorporates by reference the objections and response to this Information Request in the March 20, 2015 Objections and Responses by CMGO. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states that it is not aware of how frequently each type of waste was transported from the Eaker Street Facility or the Branches by third-party waste collection companies during the relevant time period.

1. For each type of waste state the volume picked up by each Waste Carrier (per week, month, or year).

ORIGINAL RESPONSE: See General Objections No. 1 (beyond statutory authority); 2 (unreasonable, arbitrary and capricious, and an abuse of discretion); 8 (unduly burdensome, overly broad and vague); 12 (already in possession of Agency). CMGO further objects because this Request seeks information relating to persons who are no longer living and events that transpired more than seventy years ago. Such information is no longer in the possession, custody or control of CMGO. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO is not aware of the volume of each type of waste that was transported from the Ludlow Street Facility by A & B Iron & Metal Co., Izzy's, and/or Capitol Waste Materials Co., if any, during the relevant timer period.

SUPPLEMENTAL RESPONSE: CMGO incorporates by reference the objections and response to this Information Request in the March 20, 2015 Objections and Responses by CMGO. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states it is not aware of the volume of each type of waste that was transported from the Eaker Street Facility or the Branches by third-party waste collection companies during the relevant timer period.

- m. For each type of waste state the dates (beginning & ending) such waste was picked up by each Waste Carrier.

ORIGINAL RESPONSE: See General Objections No. 1 (beyond statutory authority); 2 (unreasonable, arbitrary and capricious, and an abuse of discretion); and 8 (unduly burdensome, overly broad and vague). CMGO further objects because this Request seeks

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information relating to persons who are no longer living and events that transpired more than seventy years ago. Such information is no longer in the possession, custody or control of CMGO. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO is not aware of the dates on which any contracts to transport waste from the Ludlow Street Facility between and/or among CMGO and A & B Iron & Metal Co., Izzy's, and/or Capitol Waste Materials Co. began or ended.

SUPPLEMENTAL RESPONSE: CMGO incorporates by reference the objections and response to this Information Request in the March 20, 2015 Objections and Responses by CMGO. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states it is not aware of the dates on which any contracts to transport waste from the Eaker Street Facility and/or the Branches between and/or among CMGO, Rumpke, Waste Management, Capitol Waste Materials Co., or any other third-party waste collection companies began or ended.

- n. Provide copies of all documents containing information responsive to the previous seven questions.

RESPONSE: See General Objections No. 1 (beyond statutory authority); 2 (unreasonable, arbitrary and capricious, and an abuse of discretion); 8 (unduly burdensome, overly broad and vague); and 12 (already in possession of Agency). CMGO further objects because this Request seeks information relating to persons and events that transpired more than seventy years ago. Such information is no longer in the possession, custody or control of CMGO. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO has produced all documents in its possession, custody, and control that are responsive to these Information Requests.

- o. Describe the vehicles used by each Waste Carrier to haul away each type of waste including but not limited to:
 - i. the type of vehicle (e.g., flatbed truck, tanker truck, containerized dumpster truck, etc.);

ORIGINAL RESPONSE: See General Objections No. 1 (beyond statutory authority); 2 (unreasonable, arbitrary and capricious, and an abuse of discretion); and 8 (unduly burdensome, overly broad and vague). Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states, upon information and belief, that Izzy's may have transported waste from the Ludlow Street Facility during the relevant time period in a red pickup truck.

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SUPPLEMENTAL RESPONSE: CMGO incorporates by reference the objections and response to this Information Request in the March 20, 2015 Objections and Responses by CMGO. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states, upon information and belief, that Capitol Waste Materials Co. may have transported waste from the Ludlow Street Facility during the relevant time period in a red pickup truck.

- ii. names or markings on the vehicles; and

RESPONSE: See General Objections No. 1 (beyond statutory authority); 2 (unreasonable, arbitrary and capricious, and an abuse of discretion); and 8 (unduly burdensome, overly broad and vague). Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO is not aware of any names or markings on any vehicle(s) used by A & B Iron & Metal Co., Izzy's, and/or Capitol Waste Materials Co. to transport waste from the Ludlow Street Facility during the relevant time period.

SUPPLEMENTAL RESPONSE: CMGO incorporates by reference the objections and response to this Information Request in the March 20, 2015 Objections and Responses by CMGO. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states, upon information and belief, that Rumpke and Waste Management vehicles that transported waste from the Branches during the relevant time period had their respective company names on the sides of their vehicles.

- iii. the color of such vehicles.

RESPONSE: See objections and response to Request No. 16(o)(i), which are incorporated by reference here.

- j. Identify all of each Waste Carrier's employees who collected Respondent's wastes.

ORIGINAL RESPONSE: See General Objections No. 1 (beyond statutory authority); 2 (unreasonable, arbitrary and capricious, and an abuse of discretion); and 8 (unduly burdensome, overly broad and vague). Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO is not aware of the name of any employee of A & B Iron & Metal Co., Izzy's, and/or Capitol Waste Materials Co. who may have collected CMGO's waste during the relevant time period.

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SUPPLEMENTAL RESPONSE: CMGO incorporates by reference the objections and response to this Information Request in the March 20, 2015 Objections and Responses by CMGO. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states, upon information and belief, that Capitol Waste Materials Co. may have employed a man named "John" to collect CMGO's waste during the relevant time period. The identity of any other employees of A & B Iron & Metal Co., Izzy's, Capitol Waste Materials Co., Rumpke, or Waste Management who may have collected CMGO's waste during the relevant time period is outside CMGO's possession, custody, or control.

k. Indicate the ultimate disposal/recycling/treatment location for each type of waste.

RESPONSE: See objections and responses to Request No. 16(h), which are incorporated by reference here.

l. Provide all documents indicating the ultimate disposal/recycling/treatment location for each type of waste.

RESPONSE: See objections and responses to Request No. 16(h), which are incorporated by reference here.

m. Describe how Respondent managed pickups of each waste, including but not limited to:

i. the method for inventorying each type of waste;

ORIGINAL RESPONSE: See General Objections No. 1 (beyond statutory authority); 2 (unreasonable, arbitrary and capricious, and an abuse of discretion); and 8 (unduly burdensome, overly broad and vague). Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO is not aware of the method for inventorying each type of waste at the Ludlow Street Facility during the relevant time period.

SUPPLEMENTAL RESPONSE: CMGO incorporates by reference the objections and response to this Information Request in the March 20, 2015 Objections and Responses by CMGO. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states that it is not aware of the method for inventorying each type of waste at the Eaker Street Facility or the Branches during the relevant time period.

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- ii. the method for requesting each type of waste to be picked up;

ORIGINAL RESPONSE: See General Objections No. 1 (beyond statutory authority); 2 (unreasonable, arbitrary and capricious, and an abuse of discretion); and 8 (unduly burdensome, overly broad and vague). Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO is not aware of the method for requesting each type of waste to be transported from the Ludlow Street Facility during the relevant time period.

SUPPLEMENTAL RESPONSE: CMGO incorporates by reference the objections and response to this Information Request in the March 20, 2015 Objections and Responses by CMGO. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states that it is not aware of the method for requesting each type of waste to be transported from the Eaker Street Facility or the Branches during the relevant time period.

- iii. the identity of (see Definitions) the waste carrier employee/agent contacted for pickup of each type of waste;

ORIGINAL RESPONSE: See General Objections No. 1 (beyond statutory authority); 2 (unreasonable, arbitrary and capricious, and an abuse of discretion); and 8 (unduly burdensome, overly broad and vague). Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO is not aware of the identity of the waste carrier employee or agent who was contacted when waste was ready to be transported from the Ludlow Street Facility during the relevant time period.

SUPPLEMENTAL RESPONSE: CMGO incorporates by reference the objections and response to this Information Request in the March 20, 2015 Objections and Responses by CMGO. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states that it is not aware of the identity of the waste carrier employee or agent who was contacted when waste was ready to be transported from the Eaker Street Facility or the Branches during the relevant time period.

- iv. the amount paid or the rate paid for the pickup of each type of waste;

ORIGINAL RESPONSE: See General Objections No. 1 (beyond statutory authority); 2 (unreasonable, arbitrary and capricious, and an abuse of discretion); 7 (not relevant); and 8 (unduly burdensome, overly broad and vague). Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to

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date, CMGO is not aware of the amount paid or the rate paid for the pickup of each type of waste from the Ludlow Street Facility during the relevant time period.

SUPPLEMENTAL RESPONSE: CMGO incorporates by reference the objections and response to this Information Request in the March 20, 2015 Objections and Responses by CMGO. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states that it is not aware of the amount paid or the rate paid for the pickup of each type of waste from the Eaker Street Facility or the Branches during the relevant time period.

- v. the identity of (see Definitions) Respondent's employee who paid the bills; and

ORIGINAL RESPONSE: See General Objections No. 1 (beyond statutory authority); 2 (unreasonable, arbitrary and capricious, and an abuse of discretion); 7 (not relevant); and 8 (unduly burdensome, overly broad and vague). CMGO further objects to the extent that "bills" does not refer to sending, bringing, or moving of waste from the Ludlow Street during the relevant time period. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO is not aware of the CMGO employee who paid for the transportation of waste from the Ludlow Street Facility during the relevant time period.

SUPPLEMENTAL RESPONSE: CMGO incorporates by reference the objections and response to this Information Request in the March 20, 2015 Objections and Responses by CMGO. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states that it is not aware of the CMGO employee who paid for the transportation of waste from the Eaker Street Facility or the Branches during the relevant time period.

- vi. the identity of (see Definitions) the individual (name or title) and company to whom Respondent sent the payment for pickup of each type of waste.

ORIGINAL RESPONSE: See General Objections No. 1 (beyond statutory authority); 2 (unreasonable, arbitrary and capricious, and an abuse of discretion); and 7 (not relevant); 8 (unduly burdensome, overly broad and vague). Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO is not aware of the individual and company to whom CMGO sent payment for the transportation of waste from the Ludlow Street Facility during the relevant time period.

SUPPLEMENTAL RESPONSE: CMGO incorporates by reference the objections and response to this Information Request in the March 20, 2015 Objections and Responses by

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CMGO. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states that it is not aware of the individual and company to whom CMGO sent payment for the transportation of waste from the Eaker Street Facility or the Branches during the relevant time period.

- n. Identify the individual or organization (i.e., the Respondent, the Waste Carrier, or, if neither, identify such other person) who selected the location where each of the Respondent's wastes were taken.

RESPONSE: See objections and responses to Request No. 16(h), which are incorporated by reference here.

- o. State the basis for and provide any documents supporting the answer to the previous question.

RESPONSE: See objections and response to Request No. 16(n), which are incorporated by reference here.

- p. Describe all wastes disposed by Respondent into Respondent's drains including but not limited to:
 - i. the nature and chemical composition of each type of waste;

RESPONSE: See General Objections No. 1 (beyond statutory authority); 2 (unreasonable, arbitrary and capricious, and an abuse of discretion); 7 (not relevant); and 8 (unduly burdensome, overly broad and vague). CMGO further objects because this Request does not request information relevant to (A) the identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at the Site or transported to the Site, (B) the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site, or (C) information relating to the ability of CMGO to pay for or to perform a cleanup at the Site. CMGO further objects because this Request is irrelevant to this administrative matter, as the Site is approximately three miles from the Ludlow Street Facility. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO is not aware of the disposal of any waste down its drains at the Ludlow Street Facility during the relevant time period.

SUPPLEMENTAL RESPONSE: CMGO incorporates by reference the objections and response to this Information Request in the March 20, 2015 Objections and Responses by CMGO. Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states that it is not aware of the

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disposal of any waste down its drains at the Eaker Street Facility or the Branches during the relevant time period.

- ii. the dates on which those wastes were disposed;

RESPONSE: See objections and response to Request No. 16(p)(i), which are incorporated by reference here.

- iii. the approximate quantity of those wastes disposed by month and year;

RESPONSE: See objections and response to Request 16(p)(i), which are incorporated by reference here.

- iv. the location to which these wastes drained (e.g. on-site septic system, onsite storage tank, pre- treatment plant, Publicly Owned Treatment Works (POTW), etc.); and

RESPONSE: See objections and response to Request 16(p)(i), which are incorporated by reference here.

- v. whether and what pretreatment was provided.

RESPONSE: See objections and response to Request 16(p)(i), which are incorporated by reference here.

- q. Identify any sewage authority or treatment works to which Respondent's waste was sent.

RESPONSE: See objections and response to Request 16(p)(i), which are incorporated by reference here.

- r. If not already provided, specify the dates and circumstances when Respondent's waste was taken to the SDDL Site, and identify the companies or individuals who brought Respondent's waste to the Site. Provide all documents which support or memorialize your response.

RESPONSE: See objections and response to Request No. 5, which are incorporated by reference here.

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RESPONDENT'S ENVIRONMENTAL REPORTING

17. Provide all Resource Conservation and Recovery Act (RCRA) Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.

RESPONSE: See General Objections No. 1 (beyond statutory authority); 2 (unreasonable, arbitrary and capricious, and an abuse of discretion); 8 (unduly burdensome, overly broad and vague); and 12 (already in possession of Agency). CMGO further objects to this Request because it does not request information relevant to (A) the identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at the Site or transported to the Site, (B) the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site, or (C) information relating to the ability of CMGO to pay for or to perform a cleanup at the Site. CERCLA § 104(e)(2), 42 U.S.C. § 9604(e)(2). Subject to and without waiving these or any other objections, and based on its reasonable and diligent investigation to date, CMGO states that it has produced all documents in its possession, custody, and control that are responsive to these Information Requests.

18. Identify (see Definitions) all federal offices to which Respondent has sent or filed information about hazardous substance or hazardous waste.

RESPONSE: See objections and response to Request No. 17, which are incorporated by reference here.

19. State the years during which such information was sent/filed.

RESPONSE: See objections and response to Request No. 17, which are incorporated by reference here.

20. Identify (see Definitions) all state offices to which Respondent has sent or filed hazardous substance or hazardous waste information.

RESPONSE: See objections and response to Request No. 17, which are incorporated by reference here.

21. State the years during which such information was sent/filed.

RESPONSE: See objections and response to Request No. 17, which are incorporated by reference here.

22. List all federal and state environmental laws and regulations under which Respondent has reported to federal or state governments, including but not limited to: Toxic Substances Control Act, 15 U.S.C. Sections 2601 et seq., (TSCA); Emergency Planning and

FARUKI IRELAND & COX P.L.L.

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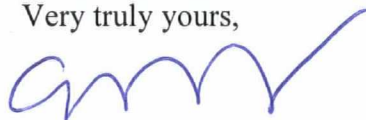
Community Right-to-Know Act, 42 U.S.C. Sections 1101 et seq., (EPCRA); and the Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. Sections 1251 et seq.; Solid Waste and Infectious Waste Regulations, OAC 3745-27 (former rule EP-20); Licenses for Solid Waste, Infectious Waste Treatment, or Construction and Demolition Debris Facilities, OAC 3745-37 (former rule EP-33); Solid and Hazardous Wastes, ORC 3734-01 through 3734-11; Open Burning Standards, OAC 3745-19-03.

RESPONSE: See objections and response to Request No. 17, which are incorporated by reference here.

23. Identify the federal and state offices to which such information was sent.

RESPONSE: See objections and response to Request No. 17, which are incorporated by reference here.

Very truly yours,



Erin E. Rhinehart

EER/slr
Enclosures

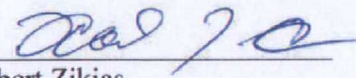
cc Robert Zikias (via electronic mail only)

VERIFICATION

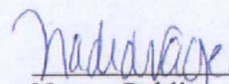
STATE OF OHIO)
) SS:
COUNTY OF MONTGOMERY)

I, Robert Zikias, being first duly sworn, verify that I am Vice President and Chief Financial Officer of Cox Media Group Ohio, Inc. Subject to and without waiving any objections raised by counsel, I certify under penalty of law that the attached letter and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.


Robert Zikias

Sworn to before me and subscribed in my presence by Robert Zikias, this 19th day of August, 2015.


Notary Public



NADIA VAGEDES, Notary Public
In and for the State of Ohio
My Commission Expires Sept. 2, 2019

AFFIDAVIT OF ROBERT MICHIGAN

STATE OF OHIO)
) SS:
COUNTY OF MONTGOMERY)

I, Robert Michigan, being duly cautioned and sworn upon oath state:

1. I am making this Affidavit based on my personal knowledge and I am competent to testify to the matters stated below.

2. In 1968, I began working for the Dayton Daily News ("DDN") and the Dayton Journal Herald ("DJH") (collectively the "newspapers") as a third-shift (11:00 p.m. to 6:00 a.m.) driver of the newspaper delivery trucks. I worked out of the newspapers' warehouse and garage located on the corner of Eaker Street and Ludlow Street in Dayton, Ohio ("Eaker Street Facility"). I retired from the newspapers in 1994.

3. When I started driving the newspapers' delivery trucks in 1968, the trucks were green box trucks with "Dayton Daily News" on one side and "Dayton Journal Herald" on the other side. At some point in the 1980s, the newspapers stopped using the green box trucks and began using white one-ton vans that said "Dayton Daily News" on the side of the van.

4. I never hauled any waste for the newspapers. I have no knowledge of which company hauled the waste from the Eaker Street Facility, or to where the waste was hauled from the Eaker Street Facility.

5. At no time during my tenure with the newspapers did I see the newspapers' delivery trucks haul any waste generated by the Ludlow Facility or the Eaker Street Facility.

Robert Michigan
Robert Michigan

Sworn to and subscribed in my presence by the said Robert Michigan, this 22nd
day of July, 2015.



Sharon Lee Rode
Notary Public
SHARON LEE RODE, Notary Public
In and for the State of Ohio
My Commission Expires May 5, 2018

973657.1

AFFIDAVIT OF XONERALE FREEMAN

STATE OF OHIO)
COUNTY OF WARREN)

I, Xonerale Freeman, being duly cautioned and sworn upon oath state:

1. I am making this Affidavit based on my personal knowledge, and I am competent to testify to the matters stated below.

2. I began working for the Dayton Daily News ("DDN") and the Dayton Journal Herald ("DJH") (collectively the "newspapers") on October 11, 1975. I worked out of the warehouse and garage located on the corner of Eaker Street and Ludlow Street in Dayton, Ohio ("Eaker Street Facility"). I started as a car washer for the newspapers' delivery trucks.

3. After approximately five years, I started working as a mechanic at the Eaker Street Facility. I was a mechanic at the Eaker Street Facility until it closed in 1999.

4. In 1999, I moved to the newspapers' Print Technology Center in Franklin, Ohio, which is where I continue to work today.


5. While working as a mechanic at the Eaker Street Facility, I changed oil in the delivery trucks. The waste motor oil was placed in an underground tank that was emptied and hauled by a third-party waste collection company. I have no recollection of the waste collection company or to where it hauled the waste motor oil.

6. In addition to the waste motor oil, the Eaker Street Facility also generated the following waste: rubbish, paper waste, cardboard, and skids. No ink or waste ink was ever stored at, or hauled from, the Eaker Street Facility. A third party waste collection company was hired by the newspapers to pick up and haul this waste from the Eaker Street Facility. I have no recollection of which company hauled the waste from the Eaker Street Facility, or to where the waste was hauled from the Eaker Street Facility.

7. My supervisor at the Eaker Street Facility was Elmer Rue, who is now deceased. Mr. Rue was in charge of contacting the waste haulers, and would have known about the waste disposal practices of the Eaker Street Facility. Mr. Rue's supervisor was Dan Trudel, who is also deceased.

8. When the third party waste collection company came to pick up the waste from the Eaker Street Facility, the company used its trucks to pick up the waste and transport it to the waste site. To the best of my knowledge, the DDN and/or DJH delivery trucks did not transport waste from the Eaker Street Facility to the waste disposal site.

9. I have no knowledge of the South Dayton Dump and Landfill in Moraine, Ohio.


Xonerale Freeman

Sworn to and subscribed in my presence by the said Xonerale Freeman, this 20th
day of July, 2015.


Notary Public

PATRICIA L. KALT, Notary Public
In and for the State of Ohio
My Commission Expires July 27, 2016

973225.1

AFFIDAVIT OF MICHAEL MANZO

STATE OF OHIO)
) SS:
COUNTY OF MONTGOMERY)

I, Michael Manzo, being duly cautioned and sworn upon oath state:

1. I am making this Affidavit based on my personal knowledge, and I am competent to testify to the matters stated below.

2. In 1974, I began working for the Dayton Daily News ("DDN") and the Dayton Journal Herald ("DJH") (collectively, the "newspapers") as a part-time truck driver and later worked as a dock-man, night dispatcher, and day dispatcher for the newspapers. In 1987, I transferred to the Production Department.

3. From 1974 through approximately 1995, I worked primarily out of the newspapers' production facility at 34 S. Ludlow Street, Dayton, Ohio ("Ludlow Street Facility"). However, as a result of my job responsibilities from 1975-1995, I occasionally visited the warehouse and garage located on the corner of Eaker Street and Ludlow Street in Dayton, Ohio ("Eaker Street Facility"). In 1995, I moved to the Eaker Street Facility.

4. In 1999, the Eaker Street Facility closed and the Print Technology Center opened in Franklin, Ohio. I moved to the Print Technology Center in 1999.

5. The Eaker Street Facility served as a warehouse for rolls of newsprint paper, a space for inserting preprinted materials, and a garage for the newspaper delivery trucks. Prior to the 1980s, the newspapers' delivery trucks were green with "Dayton Daily News" on one side and "Dayton Journal Herald" on the other side.

6. Minor service, such as oil changes, would have been performed on the newspapers' delivery trucks by mechanics at the Eaker Street Facility. During my tenure, the chief mechanic at the Baker Street Facility was Jerry Keating, who is now deceased.

7. In addition to waste motor oil, the Eaker Street Facility generated the following waste: rubbish, paper waste, skids, cardboard, and metal bands. That waste was placed in an on-site trash compactor. A third-party waste collection company was hired by the newspapers to pick up and haul waste from the Eaker Street Facility. When the third-party waste collection company came to pick up waste from the Eaker Street Facility, the company used its trucks to pick up the waste. For a period of time prior to 1995, unused preprinted materials were removed by Capital Waste. Aside from Capital Waste, I have no knowledge of which company hauled waste from the Eaker Street Facility, or where waste from the Eaker Street Facility was hauled.

8. No ink or waste ink was ever stored at, or hauled from, the Eaker Street Facility.

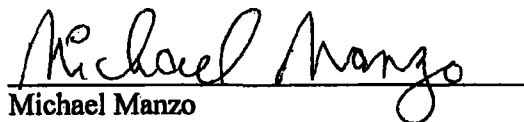
9. The Ludlow Street Facility generated the following waste: rubbish, waste paper, waste ink, and used newspaper plates. A third-party waste collection company was hired by the newspapers to pick up and haul waste from the Ludlow Street Facility. When the third-party waste collection company came to pick up waste from the Ludlow Street Facility, the company used its trucks to pick up the waste. For some period of time, the third-party company that was hired by the newspapers to pick up and haul waste from the Ludlow Street Facility was Capital Waste. Aside from Capital Waste, I have no knowledge of any other company that

hauled waste from the Ludlow Street Facility. I also have no recollection of where waste from the Ludlow Street Facility was hauled.

10. Waste ink from the Ludlow Street Facility was stored in 55 gallon drums. For some period of time, "John" from Capital Waste picked up and hauled paper to be recycled, waste ink, and used newspaper plates from the Ludlow Street Facility in a red, flatbed pick-up truck.

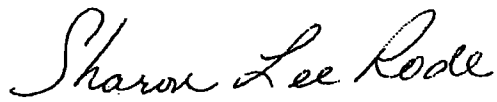
11. At no time during my tenure with the newspapers did the newspapers' delivery trucks haul any waste generated by the Ludlow Street Facility or the Eaker Street Facility.

12. I have no knowledge of and have never heard of any waste from the Ludlow Street Facility or the Eaker Street Facility being hauled to the South Dayton Dump and Landfill in Moraine, Ohio.


Michael Manzo

Sworn to and subscribed in my presence by the said Michael Manzo, this 27th day of July, 2015.




Sharon Lee Rode

Notary Public
SHARON LEE RODE, Notary Public
In and for the State of Ohio
My Commission Expires May 5, 2018

973222.1

AFFIDAVIT OF PHONDA GAMBLE

STATE OF OHIO)
) SS:
COUNTY OF WARREN)

I, Phonda Gamble, being duly cautioned and sworn upon oath state:

1. I am making this Affidavit based on my personal knowledge, and I am competent to testify to the matters stated below.

2. In 1982, I began working for the Circulation Department of the Dayton Daily News ("DDN") and the Dayton Journal Herald ("DJH") as a part-time customer service representative. Between 1982 and 1994, I served in various roles in the Circulation Department, including Newspaper and Education Coordinator, Preprint Coordinator, and Service Manager Supervisor. In 1994, I began working for the Distribution Department, which is part of the Circulation Department.

3. DDN uses distribution facilities ("branches"), from which newspaper carriers pick up newspapers for delivery. I have no knowledge of when DDN or DJH began using these branches; however, DDN and DJH were using branches when I began working for the Circulation Department in 1982. In the late-1980s and early-1990s, DDN and/or DJH used approximately nine to ten branches, and each branch serviced approximately 50-60 newspaper carriers. Over time, some branches were consolidated and/or closed.

4. When I joined the Distribution Department in 1994, I began working as a zone manager with responsibility for two and later three of the branches used by DDN. In 1997,

I became Circulation Director with responsibility for all of the branches used by DDN. In 2007, I was promoted to serve as Vice President of Circulation for DDN. I currently hold ^{the} ~~that~~ position of Senior Director of Product Delivery. *peg*

5. I cannot recall the address of any particular branch that was in use prior to 1997. However, for at least some period of time, DDN and/or DJH used branches in the vicinity of Hills & Dales MetroPark, Westown Shopping Center, and Miracle Lane Shopping Center in or near Dayton, Ohio.

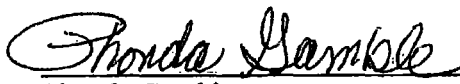
6. Until the Print Technology Center in Franklin, Ohio opened in 1999, undelivered newspapers ("returns") were transported from the branches to the warehouse located at the corner of Eaker Street and Ludlow Street in Dayton, Ohio ("Eaker Street Facility") in the same trucks and/or vans that delivered newspapers to the branches. I have no knowledge of how returns were handled once they were transported to the Eaker Street Facility, which company or companies disposed of returns from the Eaker Street Facility, or where returns may have been taken for disposal from the Eaker Street Facility.

7. Prior to 1997, branches generated the following waste: paper waste and rubbish from offices and bathrooms, brown paper wrap that was used to protect newspapers, yellow plastic strapping that was used to bundle newspapers, and mail to newspaper carriers, which was printed on half sheets of paper and delivered in envelopes. The mail to newspaper carriers contained delivery instructions, including new subscriptions and vacation holds.

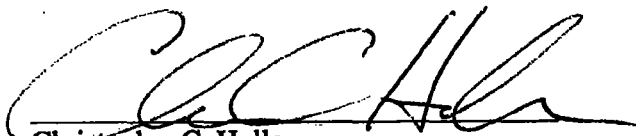
8. Prior to 1997, waste generated by the branches was placed in dumpsters outside each branch for disposal, and those dumpsters were serviced by Rumpke or Waste Management, depending on the branch. I have never been responsible for scheduling waste removal from the branches, and I have never been responsible for any contracts with Rumpke or

Waste Management. I have no knowledge of who was responsible for any contracts with Rumpke or Waste Management, and I have no knowledge of where waste from the branches has ever been hauled by Rumpke or Waste Management.

9. I have no knowledge of, and I have never heard of, any waste from the branches or any other property owned and/or operated by DDN or DJH being hauled to the South Dayton Dump and Landfill in Moraine, Ohio.



Phonda Gamble

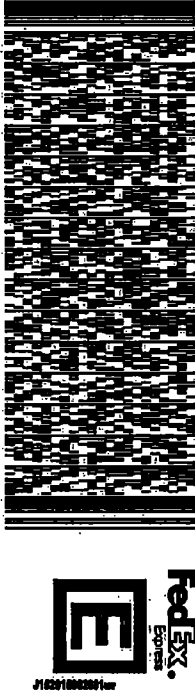
Sworn to and subscribed in my presence by the said Phonda Gamble, this 5th day of August, 2015.


Christopher C. Hollon
Notary Public in and for the State of Ohio
My commission has no expiration date
Ohio Rev. Code Section 147.03

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(313) 886-0230 NY REF: 1924-3039	DEPT:	539J11FECA01D0

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